THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 475 OF 2007

DATED: 3.4.2007

Between:

P.Narasimhulu

..Petitioner

and

The District Collector, Nellore and others

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.475 OF 2007

ORAL ORDER:

The petitioner is a long-standing fair price shop authorisee of Kacheri Devarayapalli Village, Ananthasagarm Mandal, Nellore District. Earlier, the Joint Collector, Nellore by proceedings dated.28-09-2003 had bifurcated the existing fair price shop and created a new one. The reason therefor was that the Revenue Divisional Officer had informed that there are two groups in the village; that the dissention between two groups has reached a peak stage and as a result cardholders belonging to one group are unable to obtain essential commodities from the present fair price shop. For peaceful administration, the Joint Collector appears to have decided to create a fair price shop for each faction in that village and that resulted in the bifurcation.

The bifurcation order was challenged by the petitioner. This Court by an Order dated.05-04-2005 in W.P.No.1764 of 2004 disposed of the writ petition directing the District Collector to consider and dispose of the revision preferred by the petitioner against the order of bifurcation issued by the Joint Collector. The District Collector-1st respondent by the impugned order dated.18-12-2006 ordered bifurcation of the existing shop into two. The reason given for the bifurcation is that there are two groups in the village; the dissention between two has reached a stage of conflagration; persons belonging to one of the groups are unable to access essential commodities on

account of the service being availed by the members of the other group and that it is administratively required that the pubic distribution should be effectuated without law and order problems in the village. Consequent on this order of bifurcation, the petitioner is left with 242 cards out the earlier 363 while the new fair price shop is allotted 181 cards.

The learned counsel for the petitioner Sri V.Sudhakar Reddy would contend that the impugned order of bifurcation passed by the 1st respondent is inconsistent with the guidelines issued by the State Government in a memo dated.22-01-1999 regarding bifurcation of existing fair price shops. In the said memo, the State Government had issued revised guidelines. Accordingly, in rural areas no new fair price shop should be sanctioned if the number of cards to be attached to the fair price shop is less than 350. However the guidelines themselves clarify that for special reasons like dissidence or faction in a village or certain social tensions between one community and another due to caste or religious conflicts, the Collector may by recording reasons, sanction new shops notwithstanding the limits generically instructed. In view of the reasons recorded by the 1st respondent for issuing the order of bifurcation though there is allocation of lesser cards than the viability limit stipulated in the Government's memo dated.22-01-1999, this Court discerns no infirmity in the order of the 1st respondent impugned in this writ petition.

Public distribution system is the prime agenda of the scheme and distribution of essential commodities in an atmosphere of equilibrium in the village is a relevant administrative concern, which cannot be jettisoned on the jejune ground that the petitioner would be left with an unviable

number of cards. If the petitioner feels that the number of cards allotted after bifurcation makes the pursuit of the business unviable, he is at liberty to surrender his authorisation.

There are no merits. The writ petition is accordingly dismissed. The interim order dated.04-01-2007 stands dissolved. No order as to costs.

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GODA RAGHURAM,J

3rd APRIL,2007

Note:
Issue CC
as soon as
Possible
(B/O)
***TSNR**